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This is a reply to the Office action of December 30, 2009. Claims 1-22 are pending.
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Applicants request reexamination and reconsideration of the application.
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5 On pages 2-10, the Office action rejects claims 1-22 as obvious over U.S. Patent No.

6 6,785,769 B1 to Jacobs et al. (Jacobs) and U.S. Published Patent Application No.

7 2002/0032701 A1 to Gao et al. (Gao).

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9 On pages 2-3, the Office action sets forth very different language for claim 1. The

10 Office action subtracts 23 words and adds 7 words when it compares claim 1 to

11 Jacobs. We use strike-through to show deleted subject matter and underlining to

12 show added subject matter to claim 1:

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14 Claim 1:   A client-side caching system, comprising:

15   a client for issuing a request based on a user selection for a resource on a

16 server; and

17   a server for receiving the request and sending a response including a

18 cookie ~~and a client-side script to the client~~, wherein the cookie value represents

19 the last version of the resource, and wherein the <u>cookie value is attached</u> ~~client-~~

20 ~~side script appends the cookie value~~ to the request for the resource and ~~causes~~

21 ~~the client to automatically re-request~~ <u>the client requests</u> the resource with the

22 appended cookie value so that if the last version of the resource is in the client

23 cache, the resource is retrieved from ~~the~~ client cache rather than from the server,

24 and if not, ~~the resource~~ is retrieved from the server.

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26   2)   The Office action further rewrites claim 1 on page 3. There the Office

27 action "concedes" that Jacobs fails to teach "a script sent to a client and the use

28 of client-side script that automatically re-requests a resource." Actually, claim 1

29 recites a "client-side script" ... not just "a script." And claim 1 recites "the client-

30 side script ... causes the client to automatically re-request the resource with the

appended cookie value" not just "a client-side script that automatically re-requests a resource."

3) Judges cannot add or subtract words from the claims, and they cannot rewrite claims. *See, e.g.,* Callicrate v. Wadsworth Mfg., Inc., 427 F.3d 1361, 1369, 77 USPQ2d 1041 (Fed. Cir. 2005). SmithKline Beecham Corp. v. Apotex Corp., 403 F.3d 1331, 1339-1340 74 USQP2d 1396 (Fed. Cir. 2005), *cert. denied,* 547 U.S. 1218 (2006). Similarly, the PTO can't determine patentability of claim 1 apart from examining the actual language of claim 1.

When we examine the actual language of claim 1, we find that Jacobs does not teach claim 1:

1) Contrary to the Office action on page 2, Jacobs fails to describe a client-side caching system. Jacobs' cache system 104 is not a client-side caching system. As shown in Figure 1, the cache system 104 is a <u>web cache</u> located between the origin server 102 and the clients 108a and 108b (See col. 3, line 52 - col. 4, line 8). Gao states a <u>web cache</u> provides "intermediate storage of data files at a network location between the Web server and the user computer" (See paragraph 0013).

2) Contrary to the Office action on page 3, Jacobs does not disclose a cookie value that is updated to retrieve a resource from a client cache. The Office action's citation to Jacobs col. 4, lines 10-54 doesn't describe a client cache.

3) Contrary to the Office action on page 3, Jacobs does not describe a client-side script that appends a cookie value to the request for the resource and causes the client to automatically re-request the resource with the appended cookie value so that if the last version of the resource is in the client cache, the resource is retrieved from the client cache rather than from the server, and if not, the resource is retrieved from the server as recited in claim 1. Jacobs does not speak of a client cache.

Contrary to the Office action, Gao also fails to disclose the client-side script function required in claim 1.

1)   Gao never suggests a client-side script causing a client to automatically re-request the resource with the appended cookie value so that if the last version of the resource is in the client cache, the resource is retrieved from the client cache rather than from the server, and if not, the resource is retrieved from the server as recited in claim 1.

2)   The Office action argues Gao teaches "a client-side script that automatically requests updated data." However, claim 1 never recites this limitation. Instead, claim 1 recites a client for issuing a request based on a user selection for a resource on a server and a client-side script that causes the client to automatically re-request the resource with the appended cookie value.

3)   To "request updated data" as in Gao is not the same as "re-requesting the resource ..." as recited in claim 1. See, e.g., In re Suitco Surface, Inc., Slip Opinion 2009-1418 (Fed. Cir. 2010)("The broadest-construction rubric ... does not give the PTO an unfettered license to interpret claims to embrace anything remotely related to the claimed invention. Rather, claims should always be read in light of the specification and teachings in the underlying patent.")

4)   Gao never re-requests any resource. As shown in Figure 5, Gao makes a single request for a URL page (entry "1"), a single request for each of the images (entry "3"), and a single request of an "update page" (entry "5"). To assert Gao's client-side script re-requests any of these resources has no support.

Because the client-side script function recited in claim 1 is absent in Jacobs and Gao, they cannot establish a prima facie case of obviousness. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) which held a reference did not render the claimed combination prima facie obvious because the Patent Office ignored that a claim limitation was absent in the reference.

In view of the above, claim 1 is allowable over Jacobs and Gao, and claims 2-4 and 8 are allowable due to their dependency on claim 1.

Contrary to the Office action on page 3, Jacobs fail to teach the client-side caching system of claim 1, wherein the resource is a web page, the resource is located at a URL, and the client is a web browser with a browser cache as recited in claim 2.

Contrary to the Office action on pages 3-4, Jacobs fail to teach the client-side caching system of claim 1, wherein the response includes a non-displayed relatively small page and a client-side script is in the entity body of the response as recited in claim 3. Jacobs describes a web cache rather than a client-side caching system. Jacobs col. 4, lines 25-36 fail to teach a non-displayed relatively small page and a client-side script in the entity body of the response.

Contrary to the Office action on page 4, Jacobs fails to teach the client-side caching system of claim 1, wherein the client-side script that appends the cookie value to the request is embedded in a displayed page as recited in claim 4. Instead, Jacobs col. 8, lines 10-16 mention a cookie appended to a data item identifier (e.g., URL).

Claim 5 is patentable over Jacobs and Gao for the reasons presented above with respect to claim 1.

Contrary to the Office action on page 5, Jacobs and Gao fail to teach inserting a client-side script into the entity body of the response as recited in claim 6.

Contrary to the Office action on page 5, Jacobs and Gao fail to describe the client-side script appends the cookie value to the URL of the web page requested to form a rewritten URL and causes the client to automatically re-request the resource with the rewritten URL as recited in claim 6. Specifically, Jacobs' col. 4, lines 10-36 and Gao paragraphs 0047-0049 fail to teach a client-side script causing a client to automatically re-request the resource with the rewritten URL.

Contrary to the Office action on pages 5-6, Jacobs col. 4, lines 10-36 fail to teach the server setting the cookie value by determining the last modified time of each web page in the same class as the web page which is the subject of the request, and setting the cookie value to the maximum value of the last modified times as recited in claims 7-8.
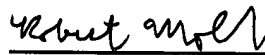
Contrary to the Office action on pages 6-8, Jacobs and Gao fail to teach claims 9-14 for the reasons presented above with respect to claim 1.

Claims 10-14 are separately patentable for the added limitations recited therein.

Contrary to the Office action on pages 8-10, Jacobs and Gao do not teach claims 15-22 for the reasons presented above with respect to claim 1 as well as for the additional limitations recited therein.

It is submitted that the application is in condition for allowance.

Respectfully submitted,

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